



PATENT

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Aug. 18, 2006  
Date

Denise Sheridan  
Denise Sheridan

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/678,603

Confirmation No. : 6147

Applicants : Eric B. Cummings et al.

Filed : October 3, 2003

Attorney Docket No.: 33531/US

Art Unit : 1753

Customer No. : 27,076

Examiner : Anthony D. Fick

Title : DIELECTROPHORESIS DEVICE AND METHOD HAVING INSULATING RIDGES  
FOR MANIPULATING PARTICLES

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences the decision of the Examiner dated June 15, 2006 rejecting claims 1-26.

Attached herewith is a Pre-Appeal Brief Request for Review.

A check for \$500, in accordance with the fee for this Notice of Appeal, is enclosed.

08/23/2006 CNEGA1 00000027 10678603

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500.00 0P

~~08/23/2006 CNEGA1 00000005 10678603~~

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The Commissioner is hereby authorized to charge any fees in conjunction with this communication or to credit any overpayment to Deposit Account No. 50-1266. This notice is being submitted in duplicate.

Respectfully submitted,  
DORSEY & WHITNEY LLP

A handwritten signature in black ink, appearing to read "Edward W. Bulchis", written in a cursive style.

Edward W. Bulchis  
Registration No. 26,847

EWB:dms

Enclosures:

- Postcard
- Check
- Fee Transmittal Sheet (+copy)
- Copy of this Notice
- Pre-Appeal Brief Request for Review (+copy)

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Seattle, Washington 98101  
Tele: (206) 903-8800  
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AF/KCO  
AB



Effective on 12/08/04

# FEE TRANSMITTAL SHEET (FY 2006)

Complete if Known

Application No.	10/678,603
Filing Date	October 3, 2003
First Inventor	Eric B. Cummings
Group Art Unit	1753
Examiner Name	Anthony D. Fick
Atty. Docket Number	33531/US

☐ Applicant claims small entity status (see 37 C.F.R. 1.27)

## METHOD OF PAYMENT (Check One)

☒ The Director is hereby authorized to charge any additional fee required under 37 C.F.R. §§ 1.16 and 1.17 and 1.136(a)(3) and credit any over payments to Deposit Account No. **50-1266**; Deposit Account Name: **DORSEY & WHITNEY LLP**.

☒ Check Enclosed.

### Extra Claim Fees

Current Claims	Prior	Extra	Fee	Fee Paid
Total	- 20	=	x \$	= \$
Ind.	- 3	=	x \$	= \$
Multiple Dependent Claims		=	x \$	= \$
<b>Subtotal (Extra Claims)</b>				<b>\$0</b>

### Petition Fee Under 37 CFR 1.17(f), (g), & (h)

Enclosed is a Petition filed under 37 CFR as indicated below:

- ☐ Petition Fee under 37 CFR 1.17(f) **Fee \$400**
- § 1.53(e) to accord a filing date.
  - § 1.57(a) to accord a filing date.
  - § 1.182 for decision on a question not provided for.
  - § 1.183 to suspend the rules.
  - § 1.378(e) for reconsideration of decision on petition refusing delayed payment of maintenance fee in expired patent.
  - § 1.174(b) to accord a filing date to an application under §1.740 for extension of patent term.
- ☐ Petition Fee under 37 CFR 1.17(g) **Fee \$200**
- § 1.12 for access to an assignment record.
  - § 1.14 for access to an application.
  - § 1.47 for filing by other than all inventors or person not the inventor.
  - § 1.59 for expungement of information.
  - § 1.103(a) to suspend action in an application.
  - § 1.136(b) for review of a request for ext. of time when §1.136(a) not avail.
  - § 1.295 for review of refusal to publish a statutory invention registration.
  - § 1.296 to withdraw a req. for pub. after notice of intent to publish issued.
  - § 1.377 for review of decision refusing to accept a maintenance fee filed prior to expiration of a patent.
  - § 1.550(c) for request for ext. of time in *ex parte* reexam. proceedings.
  - § 1.956 for request for ext. of time in *ex parte* reexam. proceedings.
  - § 5.12 for expedited handling of foreign filing license.
  - § 5.15 for changing the scope of a license.
  - § 1.5.25 for retroactive license.
- ☐ Petition Fee under 37 CFR 1.17(h) **Fee \$130**
- § 1.19(g) to request documents in a form other than provided in this part.
  - § 1.84 for accepting color drawings or photographs.
  - § 1.91 for entry of a model or exhibit.
  - § 1.102(d) to make an application special.
  - § 1.138(c) to expressly abandon an application to avoid publication.
  - § 1.313 to withdraw an application from issue.
  - § 1.314 to defer issuance of a patent.

## FEE CALCULATION (Continued)

### 3. ADDITIONAL FEES

Large Entity Fee	Small Entity Fee	Fee Description	Fee paid
50	25	Surcharge - late provisional filing fee or cover sheet	\$
130	65	Surcharge - Late nonprovisional filing fee or oath	\$
180	180	Submission of IDS	\$
40	40	Recording each patent assignment per property (times number of properties)	\$
120	60	Extension for reply within first month	\$
450	225	Extension for reply within second month	\$
1,020	510	Extension for reply within third month	\$
1,590	795	Extension for reply within fourth month	\$
2,160	1,080	Extension for reply within fifth month	\$
790	395	Submission After Final 1.129	\$
500	250	Notice of Appeal	\$500
500	250	Filing a brief in support of an appeal	\$
1,000	500	Request for oral hearing	\$
130	65	Terminal Disclaimer Fee	\$
800	400	Design Issue Fee	\$
790	395	Request for Continued Examination (RCE)	\$
130		Request for voluntary publication or republication	\$
500	250	Petition to Revive - unavoidable	\$
1,500	750	Petition to Revive - unintentional	\$
200		Filing for patent term adjustment	\$
400		Request for reinstatement of term reduced	\$
1,120		Extension of term of patent	\$

OTHER FEE  
(specify)

**Subtotal (Additional Fees) \$500**

**Total Amount of Payment: \$500**

Submitted by:

CUSTOMER NUMBER  
**27,076**

DORSEY & WHITNEY LLP

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Name: Edward W. Bulchis

Reg. No.: 26,847

Signature:

*Edward W. Bulchis*

Date:

*8/17/06*